



IP. KOKUSAI PAT & ENG.

41-12, Kabukicho 2-chome
Shinjuku-ku, Tokyo 160-0021 JAPAN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tohru HARUNA et al. : Group Art Unit: 1626

Serial No.: 10/009,304 : Examiner: SHIAO, REI TSANG

Filed: November 18, 2003 :

For: NUCLEATING AGENT

HONORABLE COMMISSIONER OF
PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231
U.S.A.

DECLARATION UNDER RULE 37 C.F.R. § 1.132

Sir:

I, Tohru HARUNA, a citizen of Japan, having the post office address of 969-4, Shinohideya, Okegawa-shi, Saitama 363-0025, JAPAN, declare and state:

that I am a co-inventor both of the above-identified patent application and U.S. Patent No. 4,463,113;

that in March 1969, I finished my course in chemistry at WASEDA University;

that in April 1969, I was employed by Asahi Denka Kogyo KK and assigned to the Developmental Institute of Additives for Resins till March, 2003; and from April 1969 to March 2001 I was engaged in research and development relating to nucleating agents;

that I am now a top manager of the Head Office of Development and also an executive director;

that the nucleating agent Comp. Ex. 1 described in the Table I of the present application corresponds to the following nucleating agent described as Examples No.1, No.17, No.28, No.34, No.39, No.46 of TABLE I, TABLE II,

TABLE III, TABLE IV, TABLE V and TABLE VI of U.S. Patent No. 4,463,113, since all of these nucleating agents were produced in the same method;

that the present invention was completed based on a discovery just as described in the present specification, which was never suggested in U.S. Patent No. 4,463,113, that is the discovery of " When the average particle size, average aspect ratio, and bulk specific gravity of a phosphoric acid aromatic ester metal salt are controlled so as to fall within a specific range, the metal salt exhibits excellent fluidity while assuming a fine particulate form."

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 2006

Tohru HARUNA